

## **REMARKS**

With this Response claims 48, 52, 58, 62, and 69 are amended. Claims 71-73 are added herein. Claims 1-47 were previously withdrawn. Therefore, claims 48-66 and 69-73 are pending.

## **CLAIM REJECTIONS - 35 U.S.C. § 101**

Claims 58-66 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, specifically being directed to a data structure per se. The claims as amended herein are directed to "computer data signal embodied in a propagated signal including a carrier wave." Thus, these claims are directed to a recognized "manufacture"; namely a signal embodied in a carrier wave. Applicants therefore submit that these claims are directed to statutory subject matter, and respectfully requests the rejection be withdrawn.

## **CLAIM REJECTIONS - 35 U.S.C. § 103**

### **Under *Rothrock* and the *Draft***

Claims 48-66 and 69-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,748,618 issued to Rothrock (*Rothrock*) in view of Draft Proposal "An Industry Standard Data Format for the Export and Import of Automotive Customer Leads" (the *Draft*). Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the following reasons. New claims 71-73, presented herein, depend from the independent claims and so will be addressed below.

Claim 48 recites the following:

- (a) a public block of data, having starting and ending delimiters that identify the beginning and end of the block of data, wherein the public block of data comprises:
  - (i) a vehicle identification sub-block hierarchically nested in the public block of data and comprising a plurality of data items wherein the data items are selected from the group consisting of manufacturer, model, model year and style of the vehicle, the data items in the vehicle

identification sub-block to define a vehicle type in a customer-generated request for quote (RFQ) for a vehicle specified, the RFQ to be sent to a target group of sellers,

(ii) a vehicle detail sub-block hierarchically nested in the public block of data to **further specify features of the vehicle in the RFQ, and to narrow the target group of sellers to whom the RFQ will be sent to sellers having a vehicle with similar features specified in the information in the vehicle detail sub-block**, wherein the vehicle detail sub-block comprises:

(1) a standard feature sub-block hierarchically nested in the vehicle detail sub-block and comprising a plurality of standard feature categories, wherein each standard feature category is hierarchically nested in the standard feature sub-block and comprises a plurality of data items relating to standard equipment available on a vehicle, and

(2) an optional feature sub-block hierarchically nested in the vehicle detail sub-block and comprising a plurality of option categories, wherein each option category is hierarchically nested in the option sub-block and comprises a plurality of data items relating to a particular category of optional equipment desired on a particular vehicle; and

(b) a private block of data comprising a plurality of data items relating to the customer who is generating the RFQ for the vehicle, the data items in the private block to provide a target seller information to respond directly to the customer in response to the RFQ.

Claims 58 and 66 include limitations similarly directed to a vehicle detail sub-block to specify features of a vehicle in an RFQ, and to narrow a target group of sellers to whom the RFQ will be sent to sellers having a vehicle with similar features specified in the information in the vehicle detail sub-block.

Applicants respectfully submit that the claim amendments herein specify on the face of the claims the functional aspects of the claim elements, and their interactions. Thus, Applicants respectfully submit that the claims recite functional features that are both statutory and usable for distinguishing between the claimed invention and the cited references.

Applicants respectfully submit that *Rothrock* and the *Draft* fail to address, either alone or in combination, at least the above-identified claim elements. Both references fail to disclose or

suggest at least a request for quote, with a particular data structure sub-block to specify features of a vehicle of an RFQ, and narrow the group of target sellers to those with vehicles having the features specified in the sub-block. Because the references fail to disclose at least this limitation of the claims, the references fail to support a rejection under MPEP §2143, which requires the references to show every limitation of the claims.

Claims 49-57 and 71 depend from claim 48. Claims 59-65 and 72 depend from claim 58. Claims 69-70 and 73 depend from claim 66. Dependent claims necessarily include the limitations of the claims from which they depend. Thus, as per MPEP §2143.03, claims dependent on nonobvious base claims are similarly nonobvious. For at least the reasons set forth above, Applicants submit that these dependent claims are not rendered obvious by the cited references.

**Under *Rothrock* and *Kozol***

Claims 48-66 and 69-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rothrock* in view of U.S. Patent No. 5,113,341 issued to Kozol et al. (*Kozol*). Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the following reasons.

*Kozol* generally discusses an electronically-modifiable electronic document that allows hierarchical marks for document editing. See Abstract; col. 3, line 13 to col. 4, line 38. Applicants are unable to understand how *Kozol* provides motivation to combine the reference with *Rothrock*. While Applicants note that *Kozol* discusses a "hierarchy," in contrast to what is asserted in the Office Action at page 7, *Kozol* neither "shows the particular need to set up databases directed to the automotive area," nor does *Kozol* disclose or suggest databases, nor any application of databases to the automotive field. Applicants respectfully request that the specific

reasoning used to assert that *Kozol's* discussion of electronic editing suggests a motivation to combine with the Draft's discussion of automobile description be pointed out with specificity.

Nevertheless, even assuming that combining the references were to be considered proper, which Applicants maintain would be error, *Kozol* fails to cure the deficiencies of the cited references as discussed above. The references, whether alone or in combination, fail to disclose or suggest at least one limitation of the invention as claimed, and thus fail to render obvious the claimed invention.

### **Conclusion**

For at least the foregoing reasons, Applicants respectfully submit that the rejections have been overcome, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

In the event of shortages or overcharges, please appropriately charge or credit our Deposit Account number 02-2666.

Respectfully submitted,  
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Date: 8/24/04

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